



February 15, 2007

Councilmanic District 4

Henlopen Acres, Rehoboth Beach,
Dewey Beach, Bethany Beach, Ocean View,
Millville

Bethany Beach Fire Hall

Introduction:

The Sussex County Council held a series of Land Use Plan meetings throughout the County, one in each Councilmanic District, for the purpose of reviewing and discussing proposed changes to the Comprehensive Land Use Plan.

At each meeting, Paul Driscoll of Urban Research & Development Corporation (URDC), the County's Land Use Consultant, was in attendance to discuss Sussex County's Comprehensive Land Use Plan Update process and to listen to the comments of the local officials, business persons and other residents regarding the plan.

Mr. Driscoll explained that Sussex County completed its last Comprehensive Plan in 2002. Delaware law requires each County to update their plan every five years.

Mr. Driscoll pointed out that the 2007 Land Use Plan Update will deal with opportunities and challenges the County is facing in the following areas: land use, water and wastewater, housing conservation, community design, recreation and open space, economic development, historic preservation, transportation mobility, and intergovernmental cooperation.

Mr. Driscoll reported that a first draft report is proposed to be completed by URDC by late March or early April. This draft will be presented to the County for their initial review and additional public meetings will be held to discuss the draft. At that time, there will be some proposals and recommendations to put before the public and local officials for substantive comment. In addition, various State agencies and local municipalities will review the document. Suggested revisions to the draft plan will be taken into consideration and, in July, Public Hearings on the Plan will be held by the Planning and Zoning Commission and the Sussex County Council. Once the Plan has been approved by the Council, zoning and subdivision Code revisions will be addressed.

Mr. Driscoll reported that they have reviewed the 2002 Land Use Plans of New Castle County and Kent County and New Castle County's 2007 draft report. In addition, several State documents associated with the Livable Delaware initiative have been reviewed, such as State Spending Strategies and various other documents relating to development and preservation.

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Mr. Driscoll also reported that meetings have been held with various individuals and organizations: each member of the County Council and the Planning and Zoning Commission, a group from the University of Delaware, concerned citizens from the Lewes area, and the Sussex County Land Trust.

A meeting with the Center for the Inland Bays, the Farm Bureau and Sussex County Association of Towns are scheduled. These meetings are being held to get input from civic organizations and non-profit groups that are concerned about the future of the County. Mr. Driscoll stated that the purpose of all of these meetings is to get a grasp on existing conditions and to get a real sample of the variety of opinions and viewpoints.

Mr. Driscoll stated that he hoped public input would include comments on land development and preservation that affect the County's future and how Sussex County should try to influence current development and preservation trends. Mr. Driscoll stated that the following key issues have been identified to date: Agricultural Preservation, Livable Delaware, Transfer of Development Rights, Infrastructure Costs, Inland Bays Conservation, Transportation Mobility, Community Design, Economic Development, Housing, Water and Wastewater, Inter-Governmental Coordination, and Parks and Recreation.

The following announcement was made at each meeting:

As an extension of the public input process, the County welcomes comments and suggestions on the 2007 Comprehensive Plan Update. In addition to forms being available at the public meetings, comments can be made via the internet at www.sussexcountyde.gov. Citizens can fill out the comment form online or mail their comments to the following address: Sussex County 2007 Comprehensive Plan Comments, Attn: Mr. Hal Godwin, Assistant to the Administrator, P. O. Box 589, Georgetown, DE 19947.

Comments and Questions:

- W. D. Whaley

Mr. Whaley expressed concern about town annexations, which he believes is done for the purpose of controlling land in order to bring in additional revenues. He cited the recent annexation of 500 acres of Level 4 farmland by the Town of Laurel. He stated that he feels that Level 4 annexations by towns should require a public hearing and the approval of the County Council.

- Ann Hobbs

Ms. Hobbs stated that she would like the County to become more involved in appraising farmers of ways in which they can preserve their land. In regards to TDRs, Ms. Hobbs stated that land set aside for preservation should be in the same geographic area as the proposed development and should be twice the amount allowed for development.

Ms. Hobbs stated that wetlands need to be protected and delineated in the Comprehensive Land Use Plan Update. She stated that, before a development is approved, the County should require that infrastructure be in place, for example: utilities, water, roads, sewer, EMS services, etc. (referred to as an adequate public facilities ordinance).

Ms. Hobbs spoke in favor of protecting the State Resource Areas.

Ms. Hobbs explained that a greenway is a corridor for wildlife and natural habitat and that it is a tourist attraction. She stated that greenways enhance the value of natural resource areas.

- **John Hopkins – Loblolly, L.L.C.**

Mr. Hopkins stated that Loblolly, L.L.C. owns 141 acres between Milton and Lewes, which is zoned AR-1 and is currently being used for farming. Mr. Hopkins submitted a letter requesting that this land be included in the growth zone in the Plan Update.

- **Dennis Cleary**

Mr. Cleary recommended that the County Council adopt a one-year moratorium for Coastal Sussex, which he described as being the area east of Route 113 from the Maryland border to the City of Milford. He stated that this would permit Municipal, County, and State planners to take inventory of existing properties and model in those approved but not yet built for the purpose of determining current needs. Governmental agencies could then calculate their ability to support the infrastructure needs of existing and planned communities, as well as to communicate the financial costs and specific funding mechanisms that are proposed to support future needs.

- **Carol Dize**

Ms. Dize questioned whether a moratorium would apply to single-family homes.

Paul Driscoll: Mr. Driscoll of URDC (the County's Land Use Consultant) stated that there would be a threshold; i.e. under three units would not apply.

- **W. D. Whaley**

Mr. Whaley stated that he would be in favor of a moratorium.

- **Clinton Bunting**

Mr. Bunting spoke in opposition to a moratorium since it would eliminate affordable housing on the eastern side of the County. He stated that through planning and coordination with the State, the quality of developments in the County has improved. Mr. Bunting advised that he is a real estate developer and he stated that he is in favor of impact fees. He noted that these fees could be applied to the purchase of open space.

- **Ann Hobbs**

Ms. Hobbs stated that the cost of homes is too high for the medium-income families in Sussex County and that she would like to see affordable housing included in the Comprehensive Land Use Plan Update.

Paul Driscoll: Mr. Driscoll stated that the County is promoting affordable housing. He stated that the County has recently implemented an ordinance that would provide a certain density bonus for developers who incorporate moderately-priced housing units in their developments.

- **Robert Gress**

Mr. Gress advised that he is a real estate broker and a developer. He stated that he is not in favor of a moratorium since it would put a cap on supply, which would further increase the price of housing.

Paul Driscoll: Mr. Driscoll asked for Mr. Gress' opinion on impact fees.

Mr. Gress responded that developers are now required to provide more amenities, such as sidewalks, bus stops, open space, playgrounds, etc., which will increase the price of homes. He stated that the additional costs for amenities and impact fees are passed on to the customer, resulting in a negative effect on affordable housing.

- **Christina Criswell**

Ms. Criswell suggested that the County require that property be set aside for medium- income homes in developments with 50 or more homes and that the homes should be the same quality and size as the other homes, but offered at a lower price. Ms. Criswell also recommended that buffers be increased to 100 feet.

- **Lew Killmer**

Mr. Killmer stated that infrastructure must be in place prior to the approval of additional developments.

Paul Driscoll: Mr. Driscoll stated that one of the principles of the existing Comprehensive Plans is to direct new growth to Development Districts.

- **Dan Costello**

Mr. Costello stated that there is a lack of planning with respect to infrastructure and that developments are started without concurrent infrastructure. He stated that he is concerned that transportation infrastructure is not keeping up with growth and development and he pointed out that the Plan Update should address the transportation issue better than the prior plans.

- **Kirston Higgins – Director of Water Planning & Development, Tidewater Utilities**

Ms. Higgins advised that the County does not need to solely take on the burden of supplying water and wastewater infrastructure to newly-planned growth areas.

She stated that existing private water and wastewater utilities, such as Tidewater Utilities, can also provide these services. Ms. Higgins stressed that the County should take advantage of the services offered by the private utilities and plan growth areas around and in concert with them. Ms. Higgins recommended that the County and/or its consultant meet with Tidewater Utilities to share plans.

- **Lew Killmer**

Mr. Killmer stated that he would like to see the Plan Update include the development of a full-time regional medical center in the eastern part of the County.

- **Wayne Fuller**

Mr. Fuller advised that Bethany Beach is currently waiting for funds from the federal government for beach replenishment and it is uncertain whether the funds will be granted. He also stated that the growing population in the area would not come to Bethany for the purpose of sitting on the beach because of its limited space. He asked for the County's assistance in requesting that the State expand the public beaches.

- **Dennis Cleary**

Mr. Cleary referenced his earlier comments in regards to a one-year moratorium and he stated that the moratorium would not affect jobs because developments that have already been approved but not yet constructed already extends out several years.

- **Robert Gress**

Mr. Gress stated that there is a variety of people, such as engineers, architects, and soil scientists, etc. that would be affected by a moratorium. He stated that these people are involved with a development project before it begins. He also stated that contractors would eventually be affected by a moratorium.

- **Ann Hobbs**

Ms. Hobbs, representative of the Little Assawoman Bay Conservancy, stated that the group does not want large developments next to Environmentally Sensitive Areas, such as the Assawoman Wildlife Refuge. She stated that she feels there should be lower housing density in AR-1 zoning if septic systems are used and that new developments should be required to utilize public sewer.

- **Daniel Kramer**

Mr. Kramer spoke in opposition to a moratorium and he spoke in support of higher density development.

- **Ed Jestic – President, Delaware Farm Bureau**

Mr. Jestic stated that the Farm Bureau is in favor of Home Rule. He reported that 18% of the County (108,000 acres) has been developed or has been approved for development. He also reported that the proposed SRAs take up 19% of the County (116,000 acres) and that 250 acres or greater has been chosen as a standard for forestry on the SRA maps.

- **Chris Clark**

Mr. Clark expressed concern about evacuation plans and emergency preparedness. He stated that Route 26 and Route 54 are incapable of handling an emergency evacuation. He stated that the emergency response time for the Fenwick Island area is slow and that he feels the County should have additional facilities.

- **Halsey Knapp**

Mr. Knapp expressed concern regarding DNREC's proposal to enlarge the State Resource Areas. He referenced a letter from John Hughes, Secretary of DNREC, which states that the SRAs are important to the citizens of Delaware. Mr. Knapp stated that the SRAs take away property rights and that the State should offer compensation for this "taking".

Connie Holland, Director, Office of State Planning Coordination: Ms. Holland responded that the SRAs are natural areas, such as wetlands, marsh lands, environmentally sensitive areas, woodlands, etc. She stated that the State Resource Area maps have been in use for over 15 years. She advised that the maps are available for viewing by the public; anyone interested should contact Brian Hall, Sussex County Planner, Office of State Planning Coordination, or Ron Vickers of DNREC. Ms. Holland reiterated that an SRA designation does not prohibit development.

- **Sam Wilson**

Mr. Wilson stated that he believes that SRAs take away property rights. He stated that the new people moving into the area should pay for the infrastructure costs for new development.

- **Barbara Sapp**

Mrs. Sapp spoke in opposition to downzoning as a part of the TDR process.

- **Henry Johnson**

Mr. Johnson stated that property owners should be able to do whatever they want with their land. He expressed concern about infrastructure and emergency response. Mr. Johnson spoke in support of higher density with open space in the same area. He also stated that he is not in favor of a moratorium.

- **Laura Hill**

Ms. Hill stated that the size of buffers may vary, depending on the land. She expressed concerns about wellhead protection legislation, which will affect those who own land next to a wellhead.

- **Deb Schiffer**

Ms. Schiffer stated that she was representing Interfaith Mission of Sussex County, which is a nonprofit affordable housing development organization. She stated that they commend the County on its Moderately Priced Housing Units Program. Ms. Schiffer asked that an affordable housing component be included in the Plan Update. She requested that the County consider varied zoning to allow for multi-family housing and incentives for qualified non-profits. She also asked that the County consider a mandatory program for moderately-priced housing units by requiring every development to commit a certain percentage of units to affordable housing.

- **Tracy Mulligan**

Mr. Mulligan stated that much of the development in the County is being driven by its proximity to the beaches and that many of the jobs in the construction industry and the tourist industry are being driven by that as well. Mr. Mulligan stated that he would like to see this matter addressed in the Plan Update as it is a significant driving force in land use.

- **Henry Johnson III**

Mr. Johnson emphasized that agricultural landowners want to preserve their land rights. He stated that, although he is not totally in favor of TDRs, it may be a better way to preserve farmland.

It was noted that three councilmen were in attendance at the meeting; however, no action was taken by the Council.

The meeting concluded at 8:05 p.m.

Prepared by: Gaye King, Administrative Secretary